REMARKS

This paper is in reply to the Office Action dated April 23, 2007. In this paper, Applicant has amended claims 5 and 8. Claims 1-3 and 5-18 are pending. Reconsideration of the application, as amended, is requested.

112 Rejection

Claims 5 and 8-13 were rejected under 35 U.S.C. 112, second paragraph.

Claim 5 has been amended to change "binary composition" to "base composition", to clarify that the composition may contain two or more materials (i.e., the base resin) and the SIS (for the first base composition) and the rosin ester (for the second base composition).

Claim 8 has been amended to clarify that the third extruded layer is formed from the mixture of the base resin and tackifier.

Withdrawal of these rejections is requested.

103 Rejections

Claims 1-3 and 5-9, 11-14 and 16-18 were rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 5,141,809 to Arvedson et al. in view of U.S. Patent No. 6,602,454 to McGuire et al. and U.S. Patent No. 5,085,927 to Dohrer and any one of U.S. Patent No. 5,089,321 to Chum et al. or U.S. Patent No. 5,376,439 to Hodgson et al. or U.S. Patent No. 5,558,930 to DiPoto.

Claims 10 and 15 were rejected under 35 U.S.C. 103(a) as unpatentable over these same references and further in view of U.S. Patent No. 5,852,143 to Sishta et al.

Applicant disagrees with these rejections.

As summarized in previous papers, the pending claims are directed to methods of making multi-layered films, the films having a first layer (release layer) comprising a first polyolefin and an antiblocking agent, a second layer (intermediate or core layer) comprising HDPE, and a third layer (cling layer) comprising ethylene methyl acrylate or ethylene vinyl acetate and a tackifier comprising SIS (styrene-isoprene-styrene) and rosin ester. None of Arvedson et al., McGuire et al., Dohrer, the additional four references, nor their combination, discloses or suggests the pending claims.

Arvedson et al. teaches a multi-layer film that has a cling layer of ethylene and acrylate or vinyl acetate and tackifier, which could be a rosin ester. A non-cling layer can be present, which includes a polyolefin such as LDPE or polypropylene and antiblocking agent, but it is without tackifier. Further, a third (core or intermediate) layer may be present, to modify the overall physical properties of the film. Arvedson et al. merely states that this core or intermediate layer may comprise any other suitable polymer.

Arvedson et al. is lacking the specific composition of the third or intermediate layer as claimed by the present application, that of having a second polyolefin comprising HDPE, and optionally further including LDPE or LLDPE or mixtures thereof (as in claims 3, 11, 16) and up to levels of about 40% (as in claims 12, 17).

The Office Action turns to any or all of Chum et al., Hodgson et al. and DiPoto for having a multilayered film where the core layer comprises HDPE.

Hodges et al. teaches having a three-layer film comprising very low density ethylene polymer and low to medium density ethylene polymer (VLDPE/LDPE) as the skin layers and HDPE as the core layer. In this reference, HDPE is co-extruded with the VLDPE/LDPE mixture. Chum et al., in the Background, states that a layer of HDPE can be used as a structural or core layer. This discussion provides the outer layers as a barrier layer (e.g., ethylene vinyl alcohol - EVOH) and a heat seal layer (e.g, polyethylene). DiPoto teaches using a HDPE homopolymer layer with a sealant layer, such as ethylene vinyl acetate copolymers (EVA). Other suitable sealant layers are ethylene methyl acrylate copolymers (EMA), butene, hexene, octene linear copolymers of polyethylene, ethylene acrylic acid copolymer (EAA), ethylene methacrylic acid (EMAA) copolymers, hexene-butene copolymers, ionomers such as Surlyn, acid and anhydride modified ethylene vinyl acetates such as Bynel, medium density polyethylene (MDPE), low density polyethylene (LDPE), ultra low density polyethylene (ULDPE), very low density polyethylene (VLDPE), linear polyethylenes, and metallocene catalyst based polyethylenes which are copolymerized with 10-20% octene, hexene, butene or mixtures thereof, and blends thereof.

Although each of the three references cited states that HDPE can be used as a layer (e.g., a core layer), none of these three references pairs the HDPE core layer with the specific layers claimed in this pending application -- i.e., a first layer comprising a first polyolefin and an

antiblocking agent and a third layer comprising ethylene methyl acrylate or ethylene vinyl acetate and a tackifier comprising SIS (styrene-isoprene-styrene) and rosin ester. There is no suggestion in any of the three references that the claimed combination would be desirable or even suitable.

Further, Arvedson et al. is lacking the combination of HDPE and both SIS and rosin ester. The Office Action attempts to turn to Dohrer for the use of SIS as a tackifier in a cling layer. What Dohrer does not teach is combining the SIS with rosin ester, in HDPE.

The various combinations of references provided by the Office Action are still lacking, at least, a three layered film having a second layer of HDPE, with the first and third layer (outer layers) as claimed.

Sishta et al. is added for the teaching of silica particles as an antiblocking agent. Sishta et al. is lacking, at least, the combinations lacking from the references described above.

At least for these reasons, Applicant believes that all claims are patentable over the cited references and their combinations, and withdrawal of these rejections is requested.

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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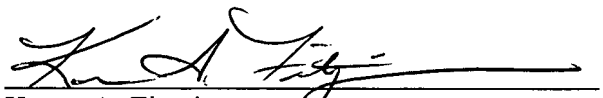

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